

SECRETARY OF STATE[721]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 47.1 and 17A.3, the Secretary of State hereby amends Chapter 21, "Election Forms and Instructions," and Chapter 22, "Voting Systems," Iowa Administrative Code.

These amendments are necessary due to legislative changes made to Iowa's election laws during the 2009 legislative session. These amendments provide security procedures for general elections in which county commissioners are required to or decide to count absentee ballots on the day before the election as now permitted by Iowa Code section 53.23, subsection 3, paragraph "c," as amended by 2009 Iowa Acts, House File 670. In addition, these amendments prescribe the form of the official ballot as required by 2009 Iowa Code Supplement sections 43.31 and 49.57A [2009 Iowa Acts, House File 475, sections 6 and 32].

These amendments were published under Notice of Intended Action on February 24, 2010, in the Iowa Administrative Bulletin as **ARC 8541B**. The only public comments received were related to use of the phrase "voted ballot envelope" in new rule 721—22.343(39A,53). All references to "voted ballot envelope" have been changed in these adopted amendments to read "voted ballot envelope or other container." This revision is consistent with the statutory requirement in Iowa Code section 50.12 to securely seal voted ballots in an envelope or other container. Subrule 22.343(1) now reads as follows:

"22.343(1) *Seal and label voted ballot envelopes or other containers with date of tabulation.* The precinct election officials shall seal all ballots tabulated on the day before the election in a voted ballot envelope or other container labeled with the date of tabulation. The precinct election officials shall seal and sign the envelope or other container in a manner that will make it evident if the envelope or other container is opened."

These amendments will become effective on June 15, 2010.

These amendments are intended to implement Iowa Code chapters 39A, 43, 49 and 53 as amended by 2009 Iowa Acts, House Files 475 and 670.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [21.202, 21.203, 22.343] is being omitted. With the exception of the change noted above, these amendments are identical to those published under Notice as **ARC 8541B**, IAB 2/24/10.

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[For replacement pages for IAC, see IAC Supplement 4/21/10.]